

UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
OFFICE OF THE CHIEF ADMINISTRATIVE HEARING OFFICER

September 2, 1997

UNITED STATES OF AMERICA,)	
Complainant)	
)	8 U.S.C. 1324a Proceeding
vs.)	
)	OCAHO Case No. 97A00081
M & M PRODUCE FARMS AND SALES,)	
A PARTNERSHIP CONSISTING OF)	
MARK A. ROGOWSKI INDIVIDUALLY)	
AND MATTHEW J. ROGOWSKI)	
INDIVIDUALLY,)	
Respondents)	

ORDER OF DISMISSAL-SETTLED

On April 2, 1997, complainant, acting by and through the Immigration and Naturalization Service (INS), commenced this action, which arises under the Immigration and Nationality Act, as amended, 8 U.S.C. § 1324a, by having filed a single-count Complaint with the Office of the Chief Administrative Hearing Officer (OCAHO), alleging three (3) illegal hire violations.

On August 21, 1997, the parties jointly filed a Motion to Dismiss, together with a fully executed five (5) page Settlement Agreement, in which they advised that they had reached a compromise settlement of all matters in controversy.

Under § 68.14(a) of the OCAHO Rules of Practice and Procedure, where the parties have entered into a proposed settlement agreement and have notified the Administrative Law Judge, a final dismissal of the action is subject to approval of the terms of the settlement agreement by the Administrative Law Judge.

Upon a careful and thorough review of the Settlement Agreement, it is found that the terms set forth therein are fair and reasonable and constitute an appropriate settlement pursuant to § 68.14(a).

Accordingly, it is found that:

1. Respondent has withdrawn its request for hearing on the merits; and
2. That each party shall bear its own costs and attorney's fees; and

3. That respondent will pay a civil money penalty in the total amount of \$2,000 in the manner set forth in the Settlement Agreement; and

4. That it is appropriate to grant the parties' joint Motion to Dismiss based upon the parties' notification made pursuant to § 68.14(a)(2); and

5. That complainant's April 2, 1997 Complaint is hereby ordered to be and is dismissed with prejudice to refiling.

Joseph E. McGuire
Administrative Law Judge

CERTIFICATE OF SERVICE

I hereby certify that on this 2nd day of September, 1997, I have served copies of the foregoing Order of Dismissal-Settled to the following persons at the addresses shown, in the manner indicated:

Office of Chief Administrative Hearing Officer
Skyline Tower Building
5107 Leesburg Pike, Suite 2519
Falls Church, Virginia 22041
(original hand delivered)

Dea Carpenter, Esquire
Associate General Counsel
Immigration and Naturalization Service
425 "I" Street, N.W., Room 6100
Washington, D.C. 20536
(one copy sent via regular mail)

Mimi Tsankov, Esquire
Immigration & Naturalization Service
P.O. Box 2669
New York, New York 10008-2669
(one copy sent via regular mail)

Matthew Rogowski, Partner
M & M Produce Farms and Sales
Road, 2, Polaski Highway
Goshen, New York 10924
(one copy sent via regular mail)

Cathleen Lascari
Legal Technician to
Joseph E. McGuire
Administrative Law Judge
Department of Justice
Office of the Chief Administrative
Hearing Officer
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